



Home Office

## **GUIDE S1 -**

### **Registration of a stateless person as –**

- a British citizen,
- a British Overseas Territories citizen, or
- a British Overseas citizen

**A guide for those born before 1 January 1983**

**September 2015**

This guide and the application form S1 apply to a stateless person born before 1 January 1983 who wishes to acquire one of the following three citizenships - British citizenship, British overseas territories citizenship or British overseas citizenship.

The guide will help you to decide whether you qualify, or your child qualifies, to apply for registration and it tells you how to do so.

This form is for applications under paragraph 5 of Schedule 2 of the British Nationality Act 1981.

You can also apply on this form if you would have qualified for registration under that paragraph but for the fact that your parents were not married. Your application will be considered under section 4F of the 1981 Act.

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The law covering registration is contained in the British Nationality Act 1981 and the regulations made under it. The information given here is meant only as a brief guide to the law and to the Home Secretary's policy. It is not a comprehensive statement of either the law or policy.

## 1. THE REQUIREMENTS YOU OR YOUR CHILD MUST MEET

To apply, you or your child MUST:

- be stateless; AND
- have always been stateless; AND
- have been born before 1 January 1983; AND
- come within one of the sections A to O below.

### Section A

A person will come within this section if:

	Notes
s/he was born on or after 1 January 1949	1 January 1949 is the date the British Nationality Act 1948 came into force, and introduced the status of citizens of the United Kingdom and Colonies
and	
his/her mother was a citizen of the United Kingdom	

### Section B

A person will come within this section if:

	Notes
s/he was born on/at a place which is at the time of application;	
within the United Kingdom;	The United Kingdom means England, Scotland, Wales, Northern Ireland, the Channel Islands and the Isle of Man.
within a British overseas territory	The British overseas territories are currently Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, St Helena, Ascension and Tristan da Cunha, South Georgia and the South Sandwich Islands, the Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus, Turks and Caicos Islands and Virgin Islands.

### Section C

A person will come within this section if:

	Notes
s/he was born on or after 5 October 1965;	5 October 1965 is the date the British Nationality Act 1965, came into force.
and	
on the date of birth his/her mother was a British subject by registration under section 1(1) of the British Nationality Act 1965;	Under section 1(1) of the British Nationality Act 1965, an alien woman had a right to registration if she had been married to: a British subject under section 2 of the British Nationality Act 1948 (this is explained in the note in section G), or a British subject without citizenship (this is explained in the note in section F)
and	
s/he has been ordinarily resident in the United Kingdom or a British overseas territory throughout the three years before the application.	United Kingdom and British overseas territories are explained in the notes in section B.

### Section D

A person will come within this section if:

Either	Notes
his/her mother or father became a citizen of the United Kingdom and Colonies under section 13(2) of the British Nationality Act 1948, or would have become such a citizen but for his or her death.	Section 13(2) provided that a person who was a British subject before 1 January 1949 and did not become a citizen of another Commonwealth country should, in certain circumstances, become a citizen of the United Kingdom and Colonies (see notes in section F).
or	
his/her mother or father became a citizen of the United Kingdom and Colonies under section 16(2) of the British Nationality Act 1948.	Section 16(2) benefited a child who would otherwise have become a citizen of the United Kingdom and Colonies on 1 January 1949 but who had previously lost British nationality because his or her father (or widowed mother) lost it. This section enabled that person to make a declaration of intention to become such a citizen by 1 January 1950 or within a year of his or her twenty-first birthday, whichever was the later.

## Section E

You will come within this section if:

	Notes
you were born before 1 January 1949;	1 January 1949 is the date the British Nationality Act 1948 came into force.
and	
your mother was a British subject on your date of birth;	Before 1 January 1949, everyone born within the Commonwealth (or whose father was born there) was simply a British subject.
and	
your mother became a citizen of the United Kingdom and Colonies on 1 January 1949.	Under the 1948 Act, a British subject became, on 1 January 1949, a citizen of the United Kingdom and Colonies if he or she was primarily connected with the United Kingdom and Colonies.

## Section F

You will come within this section if:

	Notes
you were born before 1 January 1949;	see notes in section E.
and	
your mother was a British subject on your date of birth;	
and	
your mother became a British subject without citizenship on 1 January 1949 (or would have done so if she had lived until that date);	When the British Nationality Act 1948 came into force on 1 January 1949, some Commonwealth countries which had become independent had not yet enacted citizenship laws. British subjects connected primarily with those countries were given the status of British subject without citizenship under section 13 of the Act, and a number of persons connected with former British India still retain this status. Certain British subjects without citizenship have that status not under section 13 but under section 16 of the 1948 Act. Under this latter section, persons who had lost British nationality under the nationality law in force prior to the 1948 Act (because their parents lost it through a declaration of alienage or otherwise) were enabled to recover their British nationality and acquire, in certain cases, the status of British subject without citizenship.

and	
your mother has not since become a citizen of any other;	
and	
you have been ordinarily resident in the United Kingdom or a British overseas territory throughout the three years before your application.	United Kingdom and British overseas territory are explained in the notes in section B.

### Section G

You will come within this section if:

	Notes
you were born before 1 January 1949;	see the first and second notes in section E
and	
your mother was a British subject when you were born;	
and	
your mother remained a British subject from 1 January 1949, under section 2 of the British Nationality Act 1948;	Section 2 of the 1948 Act applied to British subjects who were also citizens Ireland on 31 December 1948 if they had certain connections with the United Kingdom and had given notice to the Home Secretary claiming to remain a British subject.
and	
you have been ordinarily resident in the United Kingdom or a British overseas territory throughout the three years before your application.	United Kingdom and British overseas territory are explained in the notes in section B.

### Section H

You will come within this section if:

	Notes
you were born before 1 January 1949;	1 January 1949 is the date the British Nationality Act 1948 came into force.
and	
your mother was regarded as a British subject on 31 December 1948, under section 14 of the British Nationality Act 1948;	Section 14 of the British Nationality Act 1948 restored British nationality to women who had lost it by marriage to an alien or otherwise during the continuance of her marriage.
and	
your mother became a citizen of the United Kingdom and Colonies on 1 January 1949 (or would have done so if she had lived until that date).	The note in section E explains how this could happen.

## Section I

You will come within this section if:

	Notes
you were born before 1 January 1949;	see the note in section H.
and	
your mother was regarded as a British subject under section 14 of the British Nationality Act 1948;	This section refers to those who became British subjects without citizenship (not citizens of the United Kingdom and Colonies) on 1 January 1949.
and	
your mother became a British subject without citizenship on 1 January 1949;	How this could happen is explained in the note in section F.
and	
your mother has not since become a citizen of a Commonwealth country;	Commonwealth countries - see list in section F.
and	
you have been ordinarily resident in the United Kingdom or a British overseas territory throughout the three years before your application.	United Kingdom and British overseas territory are explained in the notes in section B.

## Section J

You will come within this section if:

	Notes
you were born before 1 January 1949;	1 January 1949 is the date the British Nationality Act 1948 came into force.
and	
your mother or your father was regarded as a British subject either: under section 15 of the British Nationality Act 1948, or under section 17 of the British Nationality Act 1948.	Section 15 of the British Nationality Act 1948 restored British nationality to any person whose birth had been registered at a British Consulate but who had failed to make a declaration asserting his or her British nationality when he or she reached his or her majority. Section 17 provided for the registration of children born abroad before 1 January 1949 whose birth had not been registered at a British Consulate.
That parent became a citizen of the United Kingdom and Colonies on 1 January 1949 (or would have done so if he or she had lived until that date).	The note in section E explains how this could happen.

## Section K

You will come within this section if:

	Notes
You were born before 1 January 1949;	See the first 3 notes in section J
and	
your mother or father was regarded as a British subject under section 15 or section 17 of the British Nationality Act 1948;	
and	
the parent became a British subject without citizenship on 1 January 1949 (or would have done so if he or she had lived until that date);	How this could happen is explained in the notes in section F
and	Commonwealth countries - see list in section F
that parent has not since become a citizen of any other Commonwealth country;	
and	United Kingdom and British overseas territory are explained in the notes in section B
you have been ordinarily resident in the United Kingdom or a British overseas territory throughout the three years before your application.	

## Section L

You will come within this section if:

	Notes
you were born before 1 January 1949;	1 January 1949 is the date the British Nationality Act 1948 came into force.
and	
your mother or father became a British subject without citizenship under section 16(2) of the British Nationality Act 1948;	Section 16(2) of the British Nationality Act 1948 is explained in the second note in section D.
and	
that parent has not since become a citizen of any other Commonwealth country;	Commonwealth countries - see list in section F.
and	
you have been ordinarily resident in the United Kingdom or a British overseas territory throughout the three years before your application.	United Kingdom and British overseas territory are explained in the notes in section B.

### Section M

A person will come within this section if:

	Notes
s/he was born between 1 January 1949 and 31 December 1982;	1 January 1949 to 31 December 1982 is the period during which the British Nationality Act 1948 was in force.
and	
his/her mother or father was a British subject without citizenship at the time of the birth;	British subject without citizenship is explained in the notes in section F.
and	
s/he has been ordinarily resident in the United Kingdom or a British overseas territory throughout the three years before the application.	United Kingdom and British overseas territory are explained in the notes in section B.

### Section N

A person will come within this section if:

	Notes
s/he was born between 1 January 1949 and 31 December 1982;	1 January 1949 to 31 December 1982 is the period during which the British Nationality Act 1948 was in force
and	
his/her mother or father became a British subject without citizenship under section 16(2) of the British Nationality Act 1948 after the birth;	Section 16(2) of the British Nationality Act 1948 is explained in the notes in section D.
and	
s/he has been ordinarily resident in the United Kingdom or a British overseas territory throughout the three years before the application.	United Kingdom and British overseas territory are explained in the notes in section B.

### Section O

A person will come within this section if:

	Notes
s/he was born between 1 January 1949 and 31 December 1982;	1 January 1949 to 31 December 1982 is the period during which the British Nationality Act 1948 was in force.
and	
his/her mother or father was a British subject under section 2 of the British Nationality Act 1948 at the time of the birth;	Section 2 of the 1948 Act is explained in the note in section G. It does not matter if the parent's claim was made after the birth.
and	
s/he has been ordinarily resident in the United Kingdom or a British overseas territory throughout the three years before the application.	United Kingdom and British overseas territory are explained in the notes in section B.

## 2. WHICH CITIZENSHIP WILL YOU OR YOUR CHILD ACQUIRE?

The British Nationality Act 1981 replaced citizenship of the United Kingdom and Colonies with three separate citizenships:

- British citizenship, for people closely connected with the United Kingdom, including the Channel Islands and Isle of Man;
- British Overseas Territories citizenship, for people connected with the overseas territories (the British Overseas Territories were called the British Dependent Territories before 26 February 2002);
- British overseas citizenship, for those citizens of the United Kingdom and Colonies who do not have these connections with either the United Kingdom or the dependent territories.

If a person meets the requirements s/he will be registered as a British citizen, EXCEPT that:

- if s/he qualifies on the grounds that his/her mother was a citizen of the United Kingdom and Colonies at the time of the birth (see Section A), s/he will receive the same citizenship that the mother acquired under the 1981 Act on 1 January 1983. (If the mother died before 1 January 1983, s/he will receive the same citizenship that the mother would have acquired if she had lived until that date); AND
- if s/he was born in a British overseas territory (see Section B), s/he will be registered as a British overseas territories citizen.

## 3. THE APPLICATION FORM

If the requirements are met and you wish to apply for citizenship, please:

- fill in form S1 to the end of section 4 (see below notes); and
- sign and date the declaration at part 5.

An application which has not been declared will be invalid.

If the applicant is under 18, the application form should normally be filled in by a parent or guardian. But a person aged 16 or 17 may make his or her own application.

### Notes on section 4 – Biometric enrolment

#### **If you are applying to register as a British citizen, you must complete the biometric enrolment section of the application form**

If applying from outside of the UK, in order to book an appointment to enrol your Biometrics please visit [www.vfsglobal.co.uk/Global/](http://www.vfsglobal.co.uk/Global/) sign up and follow the on screen instructions. Here you will find your nearest location. There may be a service charge of £10 per person to be paid online depending on location; this will be made apparent on the website.

## **Do not send the biometric enrolment fee with your application fee.**

Your application may be rejected as invalid if you do not enrol your biometrics when requested. For more information about enrolling biometrics and the current fee, please visit the following section of our website: [www.gov.uk/biometric-residence-permits](http://www.gov.uk/biometric-residence-permits)

If you have previously enrolled your biometric details and been issued with a biometric residence permit, you must include this with your application.

You will not be issued with a new biometric permit, but your current biometric permit will be returned to you, and your fingerprint details will be retained, until we are notified that you have attended your citizenship ceremony.

## **What to send with the form**

### **The fee**

The fee must be sent with the application form. Details of the current fee are available on the Gov.UK website: <https://www.gov.uk/government/publications/fees-for-citizenship-applications>.

### **Documents**

With the application form, you should send evidence:

- that the applicant has been stateless from birth, for example, a letter from the authorities of the country in which s/he was born, stating that s/he is not, and never has been, a citizen of that country.
- of the citizenship or status of the applicant's mother or father, if the requirement that is met is based on a parent's citizenship or status. This may include, for example:
  - the parent's birth certificate
  - any certificates of registration or naturalisation
  - any official letters which show the parent's citizenship or status at any time.
- that the applicant has been ordinarily resident in the United Kingdom or a British overseas territory throughout the three years before the application, if the requirement that is met includes this condition.

Please send the passport or passports (including stateless persons travel documents) which cover the whole of the qualifying period. If you cannot do this, please explain why and send as much as you can of the following:

- letters from your employers during the qualifying period;
- letters from schools or other educational establishments which were attended during the qualifying period;
- a letter from Inland Revenue National Insurance Contributions Office showing that you have paid National Insurance contributions during the qualifying period;

- P60 forms or a letter from the Inland Revenue showing that you have paid tax during the qualifying period;
- any other documents which show that you lived in the United Kingdom or the British overseas territories during the qualifying period.

If your parents were married you should send their marriage certificate. If your parents were not married and you are applying for citizenship on the basis of your father, you should provide evidence of paternity. – If your father was named as your father on a birth certificate issued within 12 months of your birth, before 10 September 2015, this will constitute proof of paternity. If not, the Secretary of State will need to be satisfied that he is your natural father. Evidence could include:

- DNA test reports (we will accept test results from a company that is on the Ministry of Justice’s accredited list: [www.justice.gov.uk/courts/paternity-testing/paternity-test](http://www.justice.gov.uk/courts/paternity-testing/paternity-test)) or
- a court order,
- your birth certificate
- other evidence that proves you are related as claimed.

Please provide any translations if these are applicable. Send original documents – photocopies are not acceptable.

NOTE: Information you give us will be treated in confidence, but may be disclosed to other Government Departments and agencies and local authorities to enable them to carry out their functions.

#### 4. WHERE TO SEND THE APPLICATION

If you are applying in England, Wales, Scotland or Northern Ireland, send the form with the fee and supporting documents to:

Department 1  
UKVI  
The Capital  
New Hall Place  
Liverpool  
L2 0QN

From 12th November 2015 applicants applying from Hong Kong should send applications to the above address.

If you are in the Channel Islands or the Isle of Man, you should send them to the Lieutenant Governor.

If you are in a British overseas territory, you should send them to the governor.

If you are elsewhere, including in a Commonwealth country, you should send them to:

Department 1  
UKVI  
The Capital  
New Hall Place  
Liverpool  
L2 0QN

## 5. WHAT HAPPENS AFTERWARDS?

**Oath of Allegiance** – If you are aged 18 or over and your application is successful, you will be asked to take an oath of allegiance. Full instructions on taking the oath will be sent.

**Certificate of Registration** – If the application is successful, you or your child will receive a certificate of registration. But citizenship may be withdrawn if it has been obtained by fraud, false representation or the concealment of any material fact.

NB. Place and country of birth names shown on the certificate will be names in current acceptable use (and will be in English where English versions exist).

We strive to provide a first rate service, but occasionally difficulties arise that prevent us from dealing with applications to our usual high standards. In the unlikely event that you wish to complain, details of how to make a complaint are given on page 20.

## 6. WAITING TIMES

While we try to deal with cases quickly this cannot be guaranteed and we cannot register you until we are satisfied that all the requirements have been met.

The length of time you will have to wait for your application to be decided will not affect your existing rights in the UK.

## 7. DEPRIVATION OF CITIZENSHIP

You may be deprived of British citizenship if it is found to have been obtained by fraud, false representation or the concealment of any material fact. The Home Secretary may also deprive you of British citizenship if, in his opinion, it would be in the public interest for him to do so and you would not thereby be made stateless.

Ministers suggested during the passage of the Immigration, Asylum and Nationality Act 2006 that deprivation may be appropriate where the person-

- has encouraged or assisted others to commit acts of terrorism;
- has committed war crimes, public order offences or other serious crime; or
- has carried out acts seriously prejudicial to vital national interests, including espionage and acts of terrorism directed at the United Kingdom or an allied power.

A certificate of registration may, as a matter of law, be ineffective from the outset if it is obtained by means of impersonation.

## 8. WHAT WE EXPECT FROM YOU

Applications are considered quickly – usually within six months of receipt. We expect you to make appropriate arrangements to ensure that you can respond to our enquiries or requests for documents within the period we allow.

While the application is under consideration we expect you to tell us about anything which alters the information you have given us. This will include changes of marital or civil partnership status or home address or agents acting on your behalf.

We also expect to be treated politely and with respect by you and any agent acting on your behalf.

If your application is successful and you are living in the UK, you will be invited to attend a citizenship ceremony. You will receive an invitation letter from the Home Office and this will confirm the local authority you should contact to arrange your ceremony. We expect you to arrange to attend a ceremony within 3 months of receiving your invitation otherwise it will expire and you will have to reapply for registration. Ceremonies for Brit cits – need to explain what happens if you become a BOTC or a BOC

## 9. HOW TO MAKE A COMPLAINT

We hope that this guide has helped you to prepare and successfully apply for British citizenship. If you have found it useful and our staff helpful, or if you had an enjoyable citizenship ceremony, or if you have found our service unsatisfactory or do not understand the outcome, why not tell us? You should email us in the first instance to:

[nationalityenquiries@homeoffice.gsi.gov.uk](mailto:nationalityenquiries@homeoffice.gsi.gov.uk)

If you remain unhappy with the service provided, you may wish to complain by writing to:

**UKVI**

**North West Customer Services Unit**

**PO Box 99**

**Manchester Airport**

**M90 3WW**